

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ANTHONY DURAN,)	
)	
Plaintiff,)	CIVIL ACTION
)	
v.)	FILE NO.
)	
JOHN DOE,)	
)	
Defendant.)	

**PURPORTED UNINSURED/UNDERINSURED MOTORIST INSURANCE
CARRIER ALLSTATE PROPERTY AND CASUALTY INSURANCE
COMPANY'S NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that Allstate Property and Casualty Insurance Company ("Allstate"), purported uninsured/underinsured motorist insurance carrier, by and through undersigned counsel, removes Civil Action File No. 23EV002578 filed in the State Court of Fulton County, Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

1. On May 1, 2023, Plaintiff filed Complaint for Damages against John Doe, and Allstate as the unnamed underinsured insurer of the Plaintiff ("UM"), pursuant to O.C.G.A. § 33-7-11, (collectively "Defendants") as a result of an alleged accident that Plaintiff was involved in that occurred on or around September 30, 2022, on Interstate I-75 Southbound Highway near Andrew Young International

Blvd. NE in Fulton County, Georgia. Plaintiff asserts negligence and negligence per se on the part of Defendant John Doe. *(A true and correct copy of all process, pleadings, and orders in Allstate's possession, including Plaintiff's Complaint, is attached hereto as Exhibit A.)*

2. The state-court action is styled Anthony *Duran v. John Doe*, and is filed in the State Court of Fulton County, Georgia, bearing Civil File No. 22EV002578. *(See Exhibit A.)*

3. Allstate, was served with a copy of the Complaint on May 11, 2023. *(See Exhibit A.)* Allstate is the only Defendant served. Thus, removal of this civil action is timely filed within thirty (30) days after Allstate was served. *See* 28 U.S.C. §§ 1446(b)(1) and 1446(b)(2)(B); Fed. R. Civ. P. 6. *(See Exhibit A.)*

4. According to the Complaint, Plaintiff seeks damages for his past and future medical expenses, and past and future lost wages. *(See Exhibit A, Complaint, p. 3-4)*. On information and belief, Plaintiff's alleged medicals total \$154,442.00, and he seeks his \$100,000.00 UM policy limits. Therefore, the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs. *See Complaint at ¶ 13. (A true and correct copy of the Declarations Page is attached hereto as Exhibit B).*

5. At all relevant times, Plaintiff, Anthony Duran, is an adult who is a citizen of the state of Georgia. *(See Complaint at ¶ 1.)*

6. At all relevant times, Allstate is a foreign insurance company incorporated in Illinois, and with its principal place of business in Illinois.

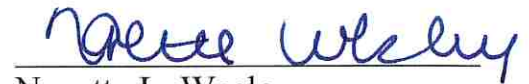
7. Plaintiff lists as a defendant “JOHN DOE.” This fictitious defendant has no bearing on this diversity-based removal analysis. 28 U.S.C.A. § 1441 (“(b) Removal based on diversity of citizenship. -- (1) In determining whether a civil action is removable on the basis of the jurisdiction under section 1332(a) of this title, the citizenship of defendants sued under fictitious names shall be disregarded”). Accordingly, Allstate’s basis for removal remains proper and unaffected by John Doe’s inclusion in this action.

8. For the foregoing reasons, this cause is removable to this Court at this time pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441.

9. As required by 28 U.S.C. § 1446(d), Allstate hereby certifies that promptly after filing this Notice of Removal with this Court, written notice of its filing will be given to all parties, and a true and correct copy of this Notice will be filed with the State Clerk of Fulton County, Georgia, thereby effecting removal of this action to this Court.

WHEREFORE, PREMISES CONSIDERED, Allstate respectfully requests that the Court will receive this Notice of Removal, place it upon the docket

of this Court, and that the State Clerk of Fulton County, Georgia will proceed no further with this action.

A handwritten signature in blue ink, reading "Nanette Wesley", is positioned above a horizontal line.

Nanette L. Wesley

Georgia Bar No. 748388

WESLEY FIRM, LLC

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Woodstock, GA 30188

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Attorney for UIM insurer

Allstate Insurance Company

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing **PURPORTED UNINSURED/UNDERINSURED MOTORIST INSURANCE CARRIER ALLSTATE PROPERTY AND CASUALTY INSURANCE COMPANY'S NOTICE OF REMOVAL** on counsel for the parties of record by depositing a copy of same with the U.S. Postal Service in an envelope, with first class postage prepaid, addressed to:

Mohamad Ahmad, Esq.
Ramin Kermani-Nejad, Esq.
KERMANI FIRM LLC
1718 Peachtree Street NW
Suite 489
Atlanta, Georgia 30309
Attorneys for Plaintiff

This 12 day of July 2023.

Nanette L. Wesley
Nanette L. Wesley
Georgia Bar No. 74838